

translation

ENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P26911WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2002/011420	International filing date (day/month/year) 11 October 2002 (11.10.2002)	Priority date (day/month/year) 30 July 2002 (30.07.2002)
International Patent Classification (IPC) or national classification and IPC H04L 29/06		
Applicant MEGA-TEL AG/SA		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 5 sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 26 February 2004 (26.02.2004)	Date of completion of this report 03 December 2004 (03.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/EP2002/011420

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-35, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1-16, filed with the letter of 04 August 2004 (04.08.2004)
- ☒ the drawings:
 pages 1/9-9/9, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.
PCT/EP 02/11420

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-16	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-16	NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims		NO

2. Citations and explanations

This report makes reference to the following documents:

D1: EP-A-1 178 444 (MEGA TEL AG) 6 February 2002
(2002-02-06)

D2: WO 98/47116 A (ERICSSON TELEFON AB L M) 22
October 1998 (1998-10-22)

D3: US-A-6 078 908 (SCHMITZ KIM) 20 June 2000 (2000-
06-20)

Claim 1:

In the wording of claim 1, D1 discloses (the references in parentheses are to paragraph [0041] in D1):

"a method for identifying a user and generating an authorization for an action ("payment") by the user using a mobile terminal ("mobile phone") and an identification module ("computing center"), the action being an authorization for access or an electronic ticket, said method having the following steps:

b) transmitting a request for the authorization of an action ("SMS message") together with an identification code (every SMS also contains the call number of the mobile phone) from the mobile terminal to the identification module, wherein the request for the authorization of an action indicates the type of

action and at least one parameter ("the contracting company number or the point-of-sale terminal number") of the requested authorization for action ("payment");

c) checking, by means of the identification module (third step in paragraph [0035]), whether an authorization for action with the at least one parameter is allowable for the identification code, and, if authorization is granted:

d) generating an action code ("12-character transaction code as a payment approval") for the requested authorization for action ("payment") using the identification module ("computing center"), the action code ("transaction code") documenting an approval for action with the at least one parameter at at least a third location ("point-of-sale terminal") using the identification module;

e) wirelessly transmitting the action code from the identification module and the mobile terminal (fourth step in paragraph [0041];

f) displaying the action code on a display of the mobile terminal (column 8, lines 34-40)."

Thus the subject matter of claim 1 differs from the known method in that the desired type of action is selected by means of a menu control on the mobile terminal.

The problem to be solved by the present invention can therefore be regarded as that of providing a method for selecting a desired type of action.

The use of a menu control for selecting a function of a mobile terminal is generally known. This means that the selection of the desired type of action by means

of a menu control is regarded as a conventional measure that is obvious to a person skilled in the art. The subject matter of claim 1 therefore does not involve an inventive step and claim 1 fails to meet the criteria stipulated in PCT Article 33(3).

Claims 2 to 12

Dependent claims 2 to 12 are either known from D1 or D2 or define conventional technical features that do not involve an inventive step (see the corresponding passages cited in the search report).

Claims 13 and 14

Method claims 13 and 14, mobile terminal claim 15 and software program claim 16 define basically the same features as method claim 1, relating to processing a payment. Claims 13 and 14 fail to satisfy the criteria stipulated in PCT Article 33(3) for the same reasons as mentioned above.

Claims 15 and 16

Mobile terminal claim 15 and software program claim 16 define basically the same features as method claim 1. Claims 15 and 16 fail to satisfy the criteria stipulated in PCT Article 33(3) for the same reasons as mentioned above.

Replied by
ART 34 ANDT

Amended Claims

1. Method for the identification of a user (1) and
generation of an action authorization for the user (1),
5 with the aid of a mobile terminal (11) and an
identification module (2), whereby the action is an
access authorization or an electronic ticket, having
the following steps:
 - a) Selection of the desired action type by menu
10 control on the mobile terminal (11),
 - b) Transmission (5) of an action authorization request
together with an identification code from the mobile
terminal (11) to the identification module (2), whereby
the action authorization request indicates the type of
15 action and at least one parameter of the action
authorization requested,
 - c) Checking by the identification module (2) as to
whether an action authorization with the at least one
parameter is permissible for the identification code,
20 and, if it is permissible:
 - d) Generation (6) of an action code for the action
authorization requested by the identification module
(2), whereby the action code records, in relation to at
least one third location, a clearance for the action
25 with the at least one parameter by the identification
module,
 - e) Wireless transmission (7) of the action code from
the identification module (2) to the mobile terminal
(11), and
 - 30 f) Display of the action code on a display of the
mobile terminal (11).
2. Method according to Claim 1, characterized in that

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ART 34 AND 35*

the method is terminated and the action authorization is issued, in that the user sends the action code via the Internet to a server, which functions as the terminal of an application operator.

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3. Method according to Claim 1, characterized in that the validity of the action code is time-limited and/or the maximum number of action authorizations for which the action code is valid is limited.

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4. Method according to Claim 1 or 2, characterized in that in step a), a personal identification number of the user (1) is additionally sent by the mobile terminal (11) to the identification module (2).

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5. Method according to any one of Claims 1 to 3, characterized in that the communication that takes place between the mobile terminal (11) and the identification module (2) is at least partially encoded.

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6. Method according to any one of Claims 1 to 4, characterized in that the communication between the mobile terminal (11) and the identification module (2) is carried out at least partially by means of a data channel.

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7. Method according to any one of Claims 1 to 5, characterized in that in the communication between the mobile terminal (11) and the identification module (2) data is used which is read out from a data carrier in the mobile terminal (11).

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8. Method according to any one of Claims 1 to 6,

Replaced by

characterized in that in step a) a plausibility check is additionally carried out, in that, for example, network information is sent to the identification module which relates to the network used for the transmission in step a).

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9. Method according to Claim 7, characterized in that the network information contains details relating to a provider and/or the radio cell used in step a).

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10. Method according to any one of Claims 1 to 8, characterized in that the action code is shown on the display of the mobile terminal (11).

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11. Method according to any one of Claims 1 to 9, characterized in that information relating to the action to which step a) relates is deposited in a data carrier of the mobile terminal (11).

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12. Method according to Claim 10, characterized in that the information from the mobile terminal (11) is read out and/or transferred to another device.

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13. Method for the handling of a payment procedure between a user (1) of a mobile terminal (11) and a payment recipient, with the aid of the mobile terminal (11), an identification module (2), and a payment terminal (3) of the payment recipient, having the following steps:
- a) Transmission (5) of an authorization request for the payment procedure, together with an identification code from the mobile terminal (11) to the identification module (2), whereby the authorization request indicates parameters of the payment

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authorization requested,

b) Checking by the identification module (2) as to whether a payment authorization for the identification code with the at least one parameter is permissible, and, if it permissible:

c) Generation (6) of a transaction code for the payment procedure requested by the identification module (2),

d) Transmission (7, 77) of the transaction code from the identification module (2) to the mobile terminal (11) and to the payment terminal (3), whereby the transaction code displays in relation to the payment terminal (3) the fact that the identified user is entitled to carry out the payment procedure specified by the parameter.

14. Method for the handling of a payment procedure between a user (1) of a mobile terminal (11) and a payment recipient, with the aid of the mobile terminal (11), an identification module (2), and a payment terminal (3) of the payment recipient, whereby the communication between the mobile terminal (11), the identification module (2) and the payment terminal (3) is carried out in each case via an air interface, having a first phase with the following steps:

a1) Transmission (5) of an authorization request for the payment procedure, together with an identification code and a maximum amount for the payment as a payment framework from the mobile terminal (11) to the identification module (2),

a2) Checking by the identification module (2) as to whether an authorization for the identification code is permissible, and, if it permissible:

*Replaced by
ART 34 AND 35*

a3) Generation (6) of a transaction code for the payment procedure requested by the identification module (2),

5 a4) Transmission (7, 77) of the transaction code from the identification module (2) to the mobile terminal (11) and to the payment terminal (3), and transmission (77) of the payment framework from the identification module (2) to the payment terminal (3), further having a phase following in time with the following step:

10 b1) Conclusion of the payment procedure by the transmission or input of a code into the payment terminal (3), as a result of which the payment procedure is concluded.

15 15. Mobile terminal (11), programmed to carry out a method according to one of the foregoing Claims.

16. Software program, characterized in that it enables the implementation of a method according to any one of
20 Claims 1 to 14.